

# New Hampshire Council on Resources and Development

Office of Energy and Planning  
57 Regional Drive, Concord, NH 03301  
Voice: 603-271-2155 | Fax: 603-271-2615



TDD Access: Relay NH  
1-800-735-2964

## MEMORANDUM

**TO:** CORD Members and Other Interested Parties Mark E. Thurston, Chair  
Belknap County Board of Commissioners  
34 County Drive  
Laconia, NH 03246

Mark Fraser, Mayor  
City of Laconia  
45 Beacon Street East  
Laconia, NH 03246

Kimon Koulet, Executive Director  
Lakes Region Planning Commission  
103 Main Street, Suite 3  
Meredith, NH 03253-5862

**FROM:** Benjamin D. Frost, Senior Planner

**DATE:** February 11, 2005

**SUBJECT:** *State Owned Land, Surplus Land Review, City of Laconia*  
*SLR 05-003*

**RESPONSE DATE:** March 12, 2005

Please review the attached information to determine if your agency has any interest in this transaction. If there is an interest, please notify this office of your intent in writing by the response date indicated above. The Council on Resources and Development will consider the request at the next meeting following the comment period.

The Department of Cultural Resources is asked to review this request in accordance with RSA 227-C:9.

Members of the Public Water Access Advisory Board are asked to review this request in accordance with RSA 233-A.

The Lakes Management and Protection Program, through the Lakes Coordinator, is asked to review this request in accordance with RSA 483-A:5, II.

The Rivers Management and Protection Program, through the Rivers Coordinator, is asked to review this request in accordance with RSA 483:8, VI and 14.

**STATE OF NEW HAMPSHIRE**  
**INTER-DEPARTMENT COMMUNICATION**

**FROM:** R. Sean O’Kane  
Commissioner  
Dept. of Resources & Economic  
Development

**DATE:** February 7, 2005

**SUBJECT:** **Surplus of Protective Well Radius Easement at Paugus Bay State Forest in Laconia**

**TO:** MaryAnn Manoogian, Director  
Office of Energy and Planning

The Department of Resources and Economic Development (DRED) has received a request from an abutter HT New Hampshire I, LTD. (HTNH), for the opportunity to secure a 200 ft. “Protective Well Radius Easement” for two (2) community wells along the northerly sideline boundary of state-owned property in Laconia known as “Paugus Bay State Forest. In exchange, HTNH is offering to deed the State in perpetuity a 25 ft. wide “Access Easement” for the trucking of forest products and other forest management purposes.

The conditions of this exchange of Easements have been clearly described in an executed “Intent of the Parties”, approved by the Department of Justice and recorded at the Belknap County Registry of Deeds; Book 2137, Page 739.

A condition of the exchange is that HTNH will construct a 12 ft. wide by 12 inch thick bank-run gravel road from “Turner Way” to the state property boundary, including a locking vehicular control gate at the state property boundary.

This request has been reviewed by this Department and it has been determined that the benefit to the State of the Access Easement far out-weights the limited restrictions that a Protective Well Radius would place on approximately 1.75 acres of the state property.

Please screen this request through the New Hampshire Council on Resources and Development to determine if this property is surplus to the needs and interest of the State for the purpose of disposal.

If you should have any questions, please contact Bill Carpenter at 271-3456.

Thank you.

RSO/BC/bc  
Attachments

**Council on Resources and Development  
REQUEST FOR SURPLUS LAND REVIEW ACTION**

**Name of Agency Requesting Action:** Department of Resources and Economic Development

**Location of Property:** Paugus Bay State Forest - Laconia

**Acreage:** 1.75-acres Easement within the 242-acre state reservation

**Tax Map/Lot #:** 28/155/1

**Requested Action:** Grant a "Protective Well Radius" in exchange for an "Access Easement"

**Agency Contact Person:** Bill Carpenter @ 271-3456 #318

Please provide the following information, if known, about the property. Attach map(s) showing the location of the property.

**1. What is the current use for this property?** : Working forest and agricultural field land, protected from development by RSA 227-H:5.

**2. What is the proposed use of this property?:** No change

**3. Are there any structures located on this property? If so, how many and what kind?** : NO. Would provide NHDES required 200' protective radius to two(2) drilled wells located near the state property boundary on abutting private land.

**4. Are there any water resources related to this property? If so, please indicate the size or extent of such resources.** : Yes, two(2) drilled community wells, each requiring a 200' protective well radius.

**5. Please list any other significant resources known to be located on this property.**  
Working forest and hayfields under agricultural lease

**6. Was this property purchased with federal highway funds?** Yes \_\_\_\_ No **X**

**7. Is access to this property available?** Yes **X** No \_\_\_\_

**8. Request has been cleared for Historic Resources?** Yes **X** No \_\_\_\_

Approval to removal of approximately 16' of common boundary fieldstone wall is in process

**INTENT of the PARTIES**  
**Between**  
**THE STATE OF NEW HAMPSHIRE AND HT NEW HAMPSHIRE I, LTD**  
**Windemere Ridge / Paugus Bay State Forest**  
**Bilateral Easement Acquisition**  
**Laconia, Belknap County, NH**

The landowner, **HT NEW HAMPSHIRE I, LTD.**, a Texas Limited Partnership of 3890 W. Northwest Highway Suite 200, Dallas TX 75220, (HTNH) and the **State of New Hampshire, Acting through it Department of Resources and Economic Development**, having a principle address at 172 Pembroke Road, P.O. Box 1856, Concord, NH 03302-1856 (STATE), hereby agree to work cooperatively towards the proposed bilateral transfer of easements as described below (the PROJECT).

**BACKGROUND:**

HT NEW HAMPSHIRE I, LTD. owns a parcel of land on Parade Road, Laconia, Belknap County, New Hampshire that is approved for a 32 lot subdivision as depicted on a two plan set entitled "Subdivision Plan of Windemere Ridge located on Parade Road / Route 106, Laconia Belknap County, New Hampshire prepared for HT New Hampshire I, Ltd." dated 12/02/04, recorded in the Belknap County Registry of Deeds at Plan Drawer L50, plans 74 and 75.

The STATE owns an abutting parcel of land known as the Paugus Bay State Forest (the FOREST) as depicted on a plan entitled "Paugus State Forest, Laconia, New Hampshire" dated April 2002 by DRED on file in the offices of the STATE.

HTNH and the STATE shall be collectively, "THE PARTIES".

HTNH desires to obtain a 200' protective well radius easement, also known as a Sanitary Protective Area (SPA EASEMENT) for the community wells located on lots 17 and 18 pursuant to Env-Ws 378.06.

The STATE desires to obtain a 25' wide access easement (ACCESS EASEMENT) for resource management, including the trucking of forest products, from the proposed Turner Way, on lot 16, following and parallel to the common lot line between lots 15 and 16.

**This document reflects the intent of the STATE, which is subject to the approvals required under RSA 4:40 "Disposal of Real Estate"; including approval by Governor and Council.**

**THE INTENT OF THE PARTIES IS AS FOLLOWS:**

1. HTNH will reserve appropriately the ACCESS EASEMENT in its Declaration and in the title of lot 16.

2. The STATE will proceed, if required, under RSA 4:40 for the transfer of the SPA EASEMENT with a goal to have approvals by spring 2005.
3. Upon obtaining all state approvals, HTNH and the STATE shall simultaneously transfer the easements.
4. Subject to NHDES approval, the STATE will retain the rights to conduct forest management activities within the SPA EASEMENT.
5. HTNH and the future home owners association reserve the right to use the ACCESS EASEMENT for non-motorized recreational access to the FOREST with the understanding that any trail that is constructed will require additional approvals from the State and that this Agreement does not guarantee said approvals. This does not imply any motorized access on the FOREST.
6. Use of the ACCESS EASEMENT by the STATE shall recognize the residential character of Windemere Ridge. Log truck traffic will be allowed only between the hours of 7 am to 4 pm, Monday through Friday.
7. The STATE agrees to construct logging landings no closer than 200' from the property line with Windemere Ridge.
8. Prior to the sale of Lot 16, HTNH agrees to make the following improvements to the ACCESS EASEMENT at no cost to the STATE:
  - a. Construct a 12 foot wide by 12" thick bank-run gravel road (the ROAD) from the back boundary stone wall common to Lot 16 and the FOREST to the edge of pavement of Turner Way, including any drainage structures required, and;
  - b. Subject to written approval from the Division of Historical Resources, remove the existing stone wall boundary for a width sufficient enough to accommodate the ROAD, and;
  - c. Construct a vehicular control gate of a design acceptable to the STATE at the terminus of the ROAD at the common boundary of Lot 16 and the FOREST.
9. The STATE shall have full right to maintain and repair the ROAD, and agrees to leave the ROAD graded, clean and in a neat condition after times of use by the STATE, and that the STATE shall provide written notice to the abutters before commencing logging operations on the FOREST. The STATE shall have no duty to maintain the ROAD or ACCESS EASEMENT beyond the STATE'S use of the ROAD.
10. THE PARTIES agree to negotiate in good faith on other details regarding the easements.
11. The STATE, in the management of the Paugus Bay State Forest, agrees not to take any action that would violate SPA protections within the SPA EASEMENT prior to the transfer of the easements. This clause is not intended to transfer any State property rights but is a limited agreement not to take any action within the SPAEASEMENT that would compromise the two wells.

12. The STATE shall work cooperatively with NHDES to provide information and accept reasonable conditions necessary for the approval of the wells in their existing locations as long as those reasonable conditions do not impair the STATE'S ability to manage the FOREST.

EXECUTED this day of \_\_\_\_\_, 2005.

**HT New Hampshire I, LTD.**

By: Its General Partner  
HT New Hampshire GP, Inc.

\_\_\_\_\_  
By: Walker G. Harman  
It's President

**STATE**

BY: \_\_\_\_\_ BY: \_\_\_\_\_  
R. Sean O'Kane, Commissioner Philip A. Bryce, Director  
Division of Forests and Lands

**25' Wide Access Easement to the State of NH for Logging purposes**

RENCH JOE Q2602 #10  
ACALD BIRCHWOOD - PATRICIA BA  
ADD. 1, AVERILL  
REMARKS:

SCALE: 1" = 600'

DATE: APRIL 2002

ARPA=242+ ACRES

SURVEYED BY: D.L.E.D.

